

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

PCB #: PCB DS 06-02 Disaster Preparedness, Response, and Recovery
SPONSOR(S): Domestic Security Committee
TIED PCBS: **IDEN./SIM. PCBS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Domestic Security Committee	9 Y, 0 N	Wiggins	Newton
1) _____	_____	_____	_____
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SUMMARY ANALYSIS

Because of the very active 2004 and 2005 hurricane seasons, specifically, the devastation left from Hurricanes Wilma and Katrina, a number of issues were raised across Florida on disaster preparedness, response and recovery. In order to better understand the issues specific to Florida's ability to deal with and recover from disasters, the Domestic Security Committee and the Health Care General Committee held two joint committee meetings to hear testimony and take comments on disaster-related issues. In conjunction with the Health Care General Committee's PCB on special needs sheltering, the Domestic Security Committee has addressed areas of concern related to emergency supplies, availability of motor fuels and disaster preparedness.

The PCB creates the Florida Disaster Supplier Program Council (Council), consisting of seven members, composed of one county emergency management director from each of the seven Division of Emergency operational regions as designated by the Florida Emergency Preparedness Association. This council is tasked with developing specific criteria for the voluntary Florida Disaster Supplier Program by February 1, 2007. The purpose of the program is to facilitate access to supplies during an emergency and to inform state residents of the availability of crucial supplies before, during and after a disaster.

The PCB creates the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs. The Florida Disaster Motor Fuel Supplier Program will allow motor fuel retail outlets doing business in the state to participate in a network of emergency responders who will be authorized to provide fuel supplies and services to government, medical, critical infrastructure and other responders, as well as the general public in a disaster.

The PCB requires all multi-family dwellings that are at least 75 feet tall to have at least one elevator that is capable of operation on an alternative generated power source available to residents for a number of hours each day over a 5-day period following a disaster.

The PCB specifies that the statewide public disaster awareness campaign include information on personal responsibility for individual citizens for up to 72 hours following a disaster. The campaign must also promote statewide disaster plans, evacuation routes, fuel suppliers, sheltering information and materials must be available in alternative formats and mediums.

The PCB is effective July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure lower taxes - The PCB allows for motor fuel retail outlets that participate in the Florida Disaster Motor Fuel Supplier Program to receive a state tax credit of up to 25 percent of the value of a purchase of equipment and installation required by this program.

Safeguard Individual Liberty - The PCB provides for the creation of a program that will empower businesses to operate during a disaster. The programs will provide options to individuals when obtaining supplies and fuel to maintain normalcy before, during and after a disaster strikes.

Promote Personal Responsibility - The PCB specifies that the intensive public educational campaign focus on emergency preparedness issues promoting self sufficiency of citizens for up to 72 hours following a disaster. It encourages the public to make arrangements for the care of individuals with special needs or in need of assistance, to be familiar with evacuation routes, disaster plans, sheltering information, and fuel and consumable suppliers.

Empower Families - The PCB decreases the burdens of government on families by giving them options to provide needed supplies for their families during a disaster. It provides families choices when making crucial decisions that will affect families' safety and well being during a disaster. It decreases the dependence of families upon government support or assistance by educating the public about disaster preparedness. The public awareness program will specifically encourage families to prepare for disasters and review evacuation plans which increases family stability.

Maintain Public Security - The PCB increases physical security of citizens and their property by providing citizens with options during disasters. These options help families secure their homes and businesses. The Florida Disaster Motor Fuel Supplier Program assists health care facilities by enabling them to remain operational during a disaster and by assisting critical care workers to obtain fuel so they can return to work. If health care centers remain operational, then law enforcement can be devoted to public security and disaster needs such as recovery and rescue.

B. EFFECT OF PROPOSED CHANGES:

Florida Disaster Supplier Program and the Florida Disaster Supplier Program Council:

Current Situation –

At present, supplies to communities are provided through government agencies and private assistance following a disaster. Businesses that are able to maintain power during a disaster or have an alternate power source may sell their goods and services. There are no identified State Emergency Response Team (SERT) businesses that supply needed supplies and fuel to the public and SERT members following a disaster. There are no provisions that allow SERT members and critical care health providers to acquire fuel during a disaster.

Proposed Situation –

The Florida Disaster Supplier Program is established to make recommendation to the Governor and Legislature on the creation of a voluntary Florida Disaster Supplier Program. The Council will consist of seven members from each of the Division of Emergency Management operational regions and shall be established under the Department of Community Affairs.

The Council is charged with surveying the districts to anticipate the cost and logistics of implementing the Florida Disaster Supplier program. Their analysis will include anticipated fees collected and anticipated expenditures to run the program on the state and local level. The program will be voluntary to local businesses supplying crucial supplies such as pharmaceuticals, food and water, building supplies, and ice following a disaster or an emergency. The suppliers may be granted permission to operate before and after any curfews that may follow a disaster or an emergency. The businesses will be certified to participate in the program through a process recommend by the Council. Participating businesses may display a SERT logo to indicate their participation in the supplier program.

A business does not need to participate in the supplier program in order to sell its goods and services after a disaster. Businesses that choose not to participate in the supplier program and are able to locate an alternate power source or were able to maintain power may open for business. The Council will submit a report on the development and implementation of the program to the Governor, the Speaker of the Florida House of Representatives, and the President of the Florida Senate, no later than February 1, 2007.

Motor Fuel Dispensing Facilities:

Current Situation -

Motor fuel terminal facilities that supply motor fuel to retail outlets around the state are not required to have an auxiliary source of electrical power. A lack of emergency electrical power in retail outlets creates a serious deficiency in the available mobile fuel supplies prior, during, and after a disaster has occurred. Fuel remaining in the storage tanks of retail outlets is inaccessible until primarily electrical power is restored. The lack of available mobile fuel directly affects the evacuation, response, and recovery efforts in a disaster area.

Proposed Situation -

The PCB creates s. 526.143, F.S., so that each motor fuel terminal dispensing facility is required to operate its distribution loading racks using alternative generated power for a minimum of 72 hours following a disaster. The emergency auxiliary equipment must be operational 36 hours after the disaster. All newly constructed or substantially renovated motor fuel retail outlets must also have an appropriate transfer switch capable of operating all fuel pumps using an alternative generated power source. Local and state required inspections of auxiliary equipment must be completed and proof of those inspections must be available for a facility to be deemed in compliance and to participate in the fuel supplier program.

By December 31, 2006, all motor fuel retail outlets that are within one-half mile of an interstate highway or a state or federally designated evacuation route, must be pre-wired with an appropriate transfer switch capable of operating all required equipment using an alternate generated power source within the following specifications based on populations:

- 16 or more fueling positions located in counties with a population of 300,000 or more
- 12 or more fueling positions located in counties with a population of 100,000 to 299,999
- 8 or more fueling positions located in counties with a population of 99,999 or less residents

Florida Disaster Motor Fuel Supplier Program:

The PCB creates the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs to allow motor fuel retail outlets, doing business in the state, to participate in a network of emergency responders who are authorized to provide fuel supplies and services. Participation in the program will require pre-certification of preparedness to the Division of Emergency Management or the local county emergency management director. Requirements for pre-certification shall be established by the Division of Emergency Management or the local county emergency management director no later than July 1, 2007. Businesses that are pre-certified will be issued a SERT logo for public display to alert responders and the public that the business is capable of assisting

as needed following a disaster or an emergency. These business that are pre-certified must be able to provide fuel dispensing services to other SERT members within 36 hours after a disaster has occurred or demonstrate the ability to make services available as needed.

Businesses that are participating in the Florida Disaster Motor Fuel Supplier Program may be open after curfew. SERT members and other local emergency personnel may need to travel after curfew but must produce the required identification when required. SERT members may request priority when purchasing fuel, but business owners establish purchase protocol.

The motor fuel outlets that choose to participate in the Florida Disaster Motor Fuel Supplier Program may receive a tax credit from the Florida Department of Revenue of up to 25 percent of the value of the purchase of equipment and installation required to meet certification standards established by the Division of Emergency Management's local county emergency management director. The tax credit may not exceed \$15,000.

By March 1, 2007, the Department of Environmental Protection Energy Office shall provide a review and report to the Legislature which includes the status of the motor fuel supply program and a list of participating retail fuel outlets; pursuant to the comprehensive emergency management plan.

Access to Residential Multi-Family Dwellings During Disasters:

Current Situation -

According to the 2001 Florida Building Code, section 1016.2, and 2004 Florida Building Code, section 1006.2, multi-family residential high-rise buildings (defined as buildings having occupied floors located more than 75 ft. above the lowest level of fire department vehicle access) must have an emergency system that shall provide for emergency elevator operation and lighting. The 2004 building code intends for the emergency use of the elevator for evaluation, medical, and rescue assistance only.

Proposed Situation -

The PCB will require that all multifamily dwellings as defined in the 2004 Florida Building Codes must have at least one elevator that is capable of operating on an alternate generated power source for a number of hours each day over a 5-day period following a disaster. These elevator operations are to provide non evaluating persons with limited mobility, access to their residence during time of emergency. The alternative generated power must be capable of powering any connected fire alarm in the building which controls elevator operations. The alternative generated power must also be able to provide all required emergency lighting. Each building is responsible for implementing the installation of the alternate generated power source for emergency purposes. Proof of the engineering plan and proof of installation is required to be submitted by the local building inspectors to the emergency management director of the county for the building to be in compliance.

Elevator Inspections:

Current Situation -

Certified inspectors that conduct annual elevator inspections must confirm that all installed generators are in working order and that a generator key is present in the lockbox at or near the installed generator. If the building does not have an installed generator the inspector must confirm that the appropriate pre-wiring and switching capabilities are operational and that there is a contract for alternate generated power.

Proposed Situation -

The PCB does not change the inspections that are currently conducted on elevators. Elevators already need to be operational in case of a power failure or fire. The PCB is specifying that a generator or a

contingent plan for alternate power be available for residents of buildings for a number of hours a day for five days following a disaster. The proposed change will provide a person with limited mobility access to their residence until the restoration of primary electrical power.

Public Awareness Campaign:

Current Situation -

Section 252.35(2) (i), F.S., requires the institution of a statewide public educational campaign on emergency preparedness.

Proposed Situation -

Although the Division of Emergency Management already distributes materials for disaster preparedness, this PCB revises s. 252.35(2)(i), F.S., to specify information that needs to be included in the public awareness campaign. The statewide public awareness campaign must address personal responsibility for individual citizens for up to 72 hours following a disaster. The public awareness campaign must promote statewide disaster plans, evacuation routes, fuel suppliers and sheltering information. The educational materials must be available in alternative formats and mediums to ensure that they are accessible to persons with disabilities. The Division of Emergency Management and the Department of Education are charged with providing an outreach program to individuals, who have limited English speaking skills, or are in need of assistance but are not defined under special needs.

C. SECTION DIRECTORY:

Section 1. Creates s. 252.63, F.S., establishing the Florida Disaster Supplier Program Council, and the Florida Disaster Supplier Program, providing for its composition, governance, and duties.

Section 2. Creates s. 526.143, F.S., establishing criteria for alternate generated power capacity for motor fuel dispensing facilities.

Section 3. Creates s. 526.144, F.S., establishing the Florida Disaster Motor Fuel Supplier Program.

Section 4. Creates s. 553.509(4), F.S., establishing criteria for alternate generated power source for residential multifamily dwellings providing emergency vertical accessibility.

Section 5. Amends s. 252.35(2)(i), F.S., and creates s. 252.35(2)(j), F.S., providing for additional information to be included in the Division of Emergency Management's Public Awareness Campaign.

Section 6. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The impact of the tax credit on state revenues is indeterminate due to an unknown number of participants.

2. Expenditures:

As of February 28, 2006, the Department of Community Affairs had not provided final calculation on costs.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The Council will be surveying local districts and local stakeholders to estimate the anticipated revenue generated by the Florida Disaster Supplier Program on the local level. The estimated revenue will be included in the Council's report to the Governor, the Speaker of the Florida House of Representatives, and the President of the Florida Senate by February 1, 2007.

2. Expenditures:

The Council will be surveying local districts and local stakeholders to estimate the anticipated costs of the Florida Disaster Supplier Program on the local level. Those costs will be included in the Council's report to the Governor, the Speaker of the Florida House of Representatives, and the President of the Florida Senate no later than February 1, 2007.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The direct economic impact on the private sector will include the purchase and installation of a transfer switch for each building unit or the purchase and installation of a generator. The transfer switch must be able to accept an alternate power source. The cost of the transfer switch is approximately \$6,000 to \$10,000 depending on the specifications of the building. The purchase of a generator is approximately \$300 to \$500 per kilowatt¹. Cost estimates will vary depending on the size and needs of each building. Businesses can choose to contract with a service provider if they do not want to incur the cost of purchasing a generator. The service contract costs will vary depending on the need, size, and specification of the building.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this PCB does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

NA

C. DRAFTING ISSUES OR OTHER COMMENTS:

NA

¹ www.northerntool.com

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED PCB CHANGES

An amendment adopted by committee added language providing for multi-story affordable dwellings for persons age 62 and older that are insured or financed by United States Department of Housing and Urban Development to seek funding for compliance with this PCB. Additionally if these building owners are unable to comply with the emergency power requirements of the PCB that they work with local emergency management agencies to provide a plan for the safety of their residence in times of natural or manmade disasters.